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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,215	10/19/2001	Katsushi Ito	100809-16314(SCEY 19.080	5361
26304	7590	12/18/2003	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			BEACHAM, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,215

Applicant(s)

ITO ET AL.

Examiner

Christopher R. Beacham

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Soga et al. (hereinafter Soga) (US 5,737,304).

- Regarding claims 1, 5, and 9, Soga shows a disk drive comprising:

a main apparatus frame comprising (Fig. 25 and 26):

a disk tray 2 causing a disk to move between a stored position and a drawn-up position relative to the main apparatus, the disk tray comprising one surface on which the disk is placed;

a disk rotational drive mechanism 12 rotationally driving the disk;

an optical pickup mechanism 7 performing at least one of reading stored information from the disk and writing information onto the disk;

a moving movable member 9 supporting the disk rotational drive mechanism and the optical pickup mechanism, the movable member comprising

an end 9a provided so as to freely rotate relative to the frame of the main apparatus, and a protrusion provided thereon, which extends toward the end of the movable member;

an elevator drive mechanism bringing the disk rotational drive mechanism and the optical pickup mechanism closer to or farther away from the disk, with the movable member free to rise and fall; and

a vibration-absorbing member 123 provided on the protrusion (not illustrated) which, when the disk is moved to the stored position, comes into contact with another surface of the disk tray (Figs. 25 and 26).

- Regarding claims 2, 6 and 13, Soga shows the protrusion comprises a rising piece and an attachment piece which extends from an end of the rising piece toward the end of the rising of the movable member, and wherein the vibration absorbing member is attached to the attachment piece (Fig. 26).

- Regarding claims 3, 7 and 14, Soga shows the vibration-absorbing member 123 comprises an annular resilient member buried in the protrusion (Fig. 25).

- Regarding claims 4, 8 and 15, Soga shows vibration-absorbing member 123 comprises a resilient member, which is inserted into a hole provided in the protrusion (Fig. 25).

- Regarding claim 10, Soga shows the protrusion extends toward an end of the movable member 9 from another end thereof (Fig. 25).

- Regarding claim 11, Soga shows the protrusion is disposed substantially parallel to the disk in the stored position (Fig. 26).

- Regarding claim 12, Soga shows the movable member 9 having a sidewall on the other end thereof, the protrusion extending as one therewith from an edge of the sidewall (Figs. 25 and 26).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- d'Alayer de Costemore d'Arc (US 4,553,231) is cited to show a motion damping suspension system for record playback machines.
- Kamijo (US 5,166,918) is cited to show a loading mechanism for disk cartridges with vibration reducing mechanism.
- Ro et al. (US 5,768,249) is cited to show a damper for an optical disk drive.
- Ishimatsu et al. (US 5,956,314) is cited to show a shock absorbing device and recording/playback apparatus for disc shaped recording medium employing the shock-absorbing device.
- Ro (US 6,034,941) is cited to show a vibration absorbing damper for an optical disk drive.
- Ariyoshi (US 6,349,084) is cited to show a flexible support device.
- Iwanga et al. (JP 06-236671) is cited to show a magneto-optical disk device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Beacham whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Christopher R. Beacham
Patent Examiner
Art Unit 2653

December 15, 2003



GEORGE J. LETSCHER
PRIMARY EXAMINER